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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,770	06/25/2001	Howard E. Purdum	204026US68PC	7927

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EXAMINER

KIM, SUN U

ART UNIT PAPER NUMBER

1723

DATE MAILED: 10/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,770

Applicant(s)

Purdum

Examiner

John Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 25, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-25, drawn to a system and a method for concentrating a material comprising the steps of cooling at least a portion of material to a temperature at or below the melting point of the material and applying ultrasonic energy to at least the cooled portion of the material to form a solid phase.

Group II, claims 26-29 and 34, drawn to a container comprising a flexible wall portion enclosing a treatment chamber for allowing heat transfer between an external heat transfer device and material and allowing ultrasonic energy transmission from an external energy source into the material.

Group III, claims 30-31, drawn to a method of removing water from an aqueous material to concentrate non-water components of the aqueous material comprising the steps of cooling at least a portion of the aqueous material to a temperature at or below zero degree Celsius and applying ultrasonic energy to the aqueous material to form ice crystals.

Group IV, claims 32-33, drawn to a method for processing a blood plasma concentrate comprising the steps of cooling at least a portion of a blood plasma concentrate to a temperature sufficient to form a system comprising a solid phase and liquid phase.

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Group V, claims 35-39, drawn to a method for processing a temperature-sensitive material comprising the step of eluting material through a stationary phase while applying ultrasonic energy to the material from ultrasonic energy transmission from an external energy source.

2. The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

All of the groupings are directed to a method and apparatus for processing a material, but each group has a different special technical feature not shared by the remaining groups. Group I is directed to an apparatus which has a special technical features of the steps of cooling at least a portion of material to a temperature at or below the melting point of the material and applying ultrasonic energy to at least tire cooled portion of the material to form a solid phase not shared by the remaining groups. Group II is directed to a container which has a special technical features of a flexible wall portion enclosing a treatment chamber fur allowing heat transfer between an external heat transfer device and material and allowing ultrasonic energy transmission from an external energy source into the material not shared by the remaining groups. Group III is directed to a method of removing water from an aqueous material which has a special technical features of cooling at least a portion of aqueous material to a temperature at or below zero degree Celsius and applying ultrasonic energy to the aqueous material to form ice crystals not shared by the remaining groups. Group IV is directed to a method for processing a blood plasma concentrate which has special technical feature of the step of cooling at least a portion of a blood plasma

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concentrate to a temperature sufficient to form a system comprising a solid phase and liquid phase not shared by the remaining groups. Group V is directed w a method for processing a temperature-sensitive material which has technical features of eluting material through a stationary phase while applying ultrasonic energy to the material not shared by the remaining groups.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 872-9311, and the fax phone number for all other official faxes is (703) 872-9310.


When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

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John Kim
Primary Examiner
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J. Kim
September 30, 2002